

**REMARKS**

The present communication is responsive to the Official Action mailed August 18, 2010, rejecting all of the claims pending in the application ("Office Action"). Claims 1-30 remain pending in this application.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 7,133,387 ("Nakada") in view of U.S. Patent Publication NO. 2001/0046266 ("Rakib"), U.S. Patent No. 5,881,055 ("Kondo") and U.S. Patent No. 7,099,380 ("Feng").

Claim 1 recites, in part: at least one of the plurality of communication apparatuses not currently communicating for recognizing that the transmission path is used for a predetermined interval by the transmission source communication apparatus and the receiving destination communication apparatus from a time when a preamble signal from a transmission packet is detected.

In the Office Action, the Examiner admitted that the combination of Nakada, Rakib and Feng fails to disclose an apparatus not currently communicating recognizing that the transmission path is used for an interval. The rejection relied on Kondo to cure the admitted deficiency, stating "Kondo discloses communication between wireless communication apparatuses where the base station controlling a time when the information can be received and operated only during the receivable period of outputting signals to the communicating apparatuses, column 1, lines 41-54." (Office Action, page 6).

It is respectfully submitted that the relied-on sections in Kondo do not teach the above-emphasized feature in claim 1. These sections only teach moving stations are synchronized on the basis of a signal transmitted from the wireless communication apparatus serving the base station, and a time when information can be received is determined using a timer incorporated in the moving stations.

This is different from what claim 1 recites: at least one of the plurality of communication apparatuses not currently communicating for recognizing that the transmission path is used for a predetermined interval by the transmission source communication apparatus and the receiving destination communication apparatus from a time when a preamble signal from a transmission packet is detected. For example, the relied-on sections in Kondo do not teach communication apparatuses not currently communicating recognizing that the transmission path is being used from a time when a preamble signal from a transmission packet is detected. Instead, these sections in Kondo teach allowing receiving information using a timer incorporated in the moving stations.

For at least the reason described above, it is respectfully submitted that the independent claims 1, 9 and 20, as well as claims that depend from them, are distinguishable over Nakada, Rakib, Kondo and Feng. Therefore, the 103 rejection on these claims should be withdrawn.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefore.

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Respectfully submitted,  
Electronic signature: /Jessica  
D. Li/  
Jessica D. Li  
Registration No.: 65,042  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicant